

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(SOUTHERN DIVISION)**

Desmond Ndambi, et al., individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiffs,)	Case No. 1:18-cv-03521-RDB
)	
v.)	
)	
CoreCivic, Inc.,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO DISMISS COMPLAINT

Defendant CoreCivic, Inc., moves to dismiss the Complaint, pursuant to Civil Rule of Procedure 12(b), because it fails to state a claim upon which relief can be granted. Plaintiffs—former immigration detainees in federal custody—base their claims on the incorrect legal premise that they were entitled to federal and state minimum wages for their voluntary participation in a work program sponsored by the detention facility. For the reasons set forth in the Memorandum, the minimum-wage laws do not apply to labor performed by immigration detainees because of the economic reality of their custodial detention. And because they do not apply, Plaintiffs have no claim for unjust enrichment either. The Complaint should be dismissed with prejudice.

Dated: January 11, 2019

Respectfully submitted,

/s/ Daniel P. Struck

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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/s/ Daniel P. Struck _____

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